REMARKS

[0001] The following paragraphs are numbered for ease of future reference. Claims 1-20 are all the claims presently pending in this application. Claims 1, 8 and 15 have been amended to more particularly define the claimed invention.

[0002] Applicant respectfully submits that entry of the currently amended claims places the application in condition for allowance. Applicant further respectfully submits that no new matter is added to the currently amended claims, nor has the scope of the pending claims changed. Applicant respectfully traverses the rejections based on the following discussion.

I.   REJECTION UNDER 35 U.S.C. §101

[0003] Claims 1-20 have been rejected under 35 U.S.C. §101 as being directed toward non-statutory subject matter as not (1) being tied to a particular machine or apparatus, or (2) transforming a particular article to a different state or thing.

[0004] Applicant has amended independent claim 1, (and similarly independent claim 15), to recite, "a system of transferring data streams across a supply chain at a first location to a demand chain at a second location." Additionally, the system includes *a trigger event monitor at one of the two locations, a database, a transformation unit, a supply side reconciler, and a demand side reconciler, a business rules database, a selective point in said demand chain that said entitled test data is supplied to, and a report output device at the location of said demand side reconciler*. Similarly, independent claim 8 has been amended to positively recite, *a supply side reconciler that performs a supply side reconciliation of said test data at said first location, a demand side reconciler that performs a demand side reconciliation of said test data at said second location, a*

rules database, and at least one demand chain location to which said entitled test data is

transmitted.

[0005] Therefore, Applicant's claimed invention as a system/apparatus located in a plurality of

locations is eliminated from the analysis of *In re Bilsky* since no "method considered a process"

is now claimed.

[0006] Additionally, the Non-Final Office Action states on page 2, that Claims 15-20 are rejected

because they recite a "system," but fail to recite any associated structure of the apparatus. The

Examiner alleges this constitutes software per se, which is non-statutory per se. However,

Applicant has amended the claims to recite, *a supply chain at a first location to a demand chain*

at a second location, selective points in said demand chain that receive said entitled test data,

and an output device at said second location to output a report based on said performing said

demand side reconciliation.

[0007] Applicant respectfully requests that the rejection under 35 U.S.C. §101 be withdrawn

accordingly.

II.   REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

[0008] Claims 15-20 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claims 15-20 have been amended in a manner believed fully responsive to all points raised by

the Examiner. More specifically, claims 15-20 have been amended to recite *a supply chain at a*

first location to a demand chain at a second location, selective points in said demand chain that

receive said entitled test data, and an output device at said second location to output a report

based on said performing said demand side reconciliation. In view of the foregoing, the

Examiner is respectfully requested to withdraw this rejection.

III.   THE PRIOR ART REJECTION

The 35 U.S.C. § 102(b) Rejection over Dabbiere

[0009] Claims 1-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Dabbiere et

al., U.S. Pat. App. Pub. No. 2002/0013721, (hereinafter "Dabbiere").

[0010] Applicant traverses the Examiner's rejection since, among other reasons, Dabbiere is

directed toward integrated data communication between supply chain partners, such as factories,

wholesalers, retailers and retail customers, transportation companies, whereas Applicant's

claimed invention is directed towards <u>a transformation unit that performs transformations on the</u>

<u>data streams and trigger event data by placing the data into appropriate categories for</u>

<u>manufacturing lot trace capability as controlled by a relationship between components and</u>

<u>devices in a bill of materials and parentage information.</u> Furthermore, Applicant's invention is

directed toward <u>a business rules database that processes the reconciled data to produce entitled</u>

<u>test data with customer entitlement information including one of what type of data each customer</u>

<u>is entitled to receive and which type of products and components each customer is entitled to</u>

<u>receive such information.</u>

[0011] More specifically, Applicant submits, that Dabbiere does not teach or suggest:

"*<u>a transformation unit that performs transformations on said data streams and trigger</u>*

<u>event data by placing said data into appropriate categories for manufacturing lot trace</u>

<u>capability as controlled by a relationship between components and devices in a bill of materials</u>

<u>and parentage information,</u>"

"*<u>a business rules database that processes said reconciled data to produce entitled test</u>*

data with customer entitlement information including one of what type of data each customer is

entitled to receive and which type of products and components each customer is entitled to

receive such information,"

"*a selective point in said demand chain that said entitled test data is supplied to*," and

"*verifying completeness of said entitled test data and whether said entitled test data is*

supplied to said selective point in said demand chain,"

per to Applicant's independent claim 1, and similarly, independent claims 8 and 15.

[0012] The Examiner on page 4 of the Non-Final Office Action alleges Applicant's claimed

trigger event is equivalent to a Dabbiere's "translation" of a pull system that translates data from

a format of a legacy system to a more standardized format, which may occur automatically, or at

a command of a user. However, nowhere in Dabbiere is there any disclosure of Applicant's

claimed *transformation unit that performs transformations on said data streams and trigger*

event data by placing said data into appropriate categories for manufacturing lot trace

capability as controlled by a relationship between components and devices in a bill of materials

and parentage information.

[0013] Furthermore, the Examiner alleges that Applicant's claimed *a database that stores*

business rules regarding reconciliation spans and exceptions, is equivalent to database 124 of

Dabbiere. However, nowhere in Dabbiere is there any disclosure that the database 124 *processes*

reconciled data to produce entitled test data with customer entitlement information including one

of what type of data each customer is entitled to receive and which type of products and

components each customer is entitled to receive such information, per Applicant's claimed

invention.

[0014] Moreover, nowhere in Dabbiere is there any disclosure of "*a selective point in said*

demand chain that said entitled test data is supplied to," and "*verifying completeness of said*

entitled test data and whether said entitled test data is supplied to said selective point in said

demand chain," per Applicant's claimed invention.

[0015] Furthermore, the Examiner alleges that paragraphs [0046]-[0047] disclose performing

both supply side and demand side reconciliation, per Applicant's claimed invention. However,

Dabbiere fails to disclose "*a supply side reconciliation of said transformed data streams and*

said trigger event data to determine whether said transformed data streams are consistent with

said trigger event data," and "*a demand side reconciliation of said transformed data streams*

with said trigger event data based upon the occurrence of said trigger event data," "*wherein said*

demand side reconciliation process comprises determining whether said data streams are

complete and whether said data streams were sent to said demand chain."

[0016] In summary, Dabbiere is directed toward integrated data communication between supply

chain partners, such as factories, wholesalers, retailers and retail customers, transportation

companies, whereas Applicant's claimed invention is directed towards a transformation unit that

performs transformations on the data streams and trigger event data by placing the data into

appropriate categories for manufacturing lot trace capability as controlled by a relationship

between components and devices in a bill of materials and parentage information. Furthermore,

Applicant's invention is directed toward a business rules database that processes the reconciled

data to produce entitled test data with customer entitlement information including one of what

type of data each customer is entitled to receive and which type of products and components each

customer is entitled to receive such information.

[0017] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this

rejection since the alleged prior art reference to Dabbiere fails to teach or suggest each element

and feature of Applicant's claimed invention.
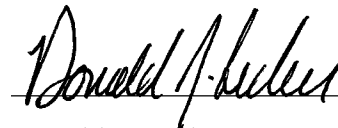
IV.   FORMAL MATTERS AND CONCLUSION

[0018] In view of the foregoing, Applicant submits that claims 1-20, all of the claims presently

pending in the application, are patentably distinct over the prior art of record and are in condition

for allowance. The Examiner is respectfully requested to pass the above application to issue at

the earliest possible time.

[0019] Should the Examiner find the application to be other than in condition for allowance, the

Examiner is requested to contact the undersigned at the local telephone number listed below to

discuss any other changes deemed necessary in a telephonic interview.

[0020] The Commissioner is hereby authorized to charge any deficiency in fees or to credit any

overpayment in fees to Assignee's Deposit Account No. 09-0456.

Respectfully Submitted,

Date: March 9, 2009

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